

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52977 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -KORANSARAI District- BUXAR

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1. Azad Paswan, Son of Madan Paswan, Resident of Village- Paras Ganda,
P.S.- Sikroul, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 28.07.2016 in connection
with Koransarai P.S. Case No. 29 of 2016 registered under Sections
302, 307, 326/34 of the Indian Penal Code and Section 27 of the Arms
Act.

According to the prosecution, when the informant with
his brother Millu Choudhary along with others were going to attend
Barat party, one Bolero vehicle stopped in front of them and the
persons having lethal weapon started indiscriminate firing upon them,
as result of which driver, Sanjay Kumar, sustained injury and lost
balance of vehicle. In the meantime, co-accused Harendra Choudhary
and Mantu Yadav started indiscriminate firing upon Millu Choudhary,
which hit his chest, stomach and neck and subsequently Millu



Choudhary died.

Learned counsel for the petitioner has submitted that though in this case charge-sheet has been submitted but there is general and omnibus allegation against this petitioner rather the main allegation is against co-accused, namely, Harendra Chaoudhary and Mantu Yadav for firing upon the deceased and Lalbabu Choudhary, who fired upon the informant. Merely on the ground of confessional statement of co-accused, Raj Kumar Ram, this petitioner has been implicated in this case, which has no evidentiary value in the eye of law, and rotting in jail custody for the last six months. Moreover, co-accused, Ram Bihari Choudhary, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 35061 of 2016.

Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Buxar in connection with Koran Sarai P.S. Case No. 29 of 2016.

(Arvind Srivastava, J)

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